IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRP.No. 773 of 2007()

AGAINST THE ORDER DATED 24/07/2007 IN EP 297/2006 IN OS.266/2000 of MUNSIFF COURT, PARAVUR

.....

REVN. PETITIONER: RESPONDENT

KRITHARTHAN, S/O.PUTHENVEETTIL KUMARAN,
CHERAI KARA, PALLIPPURAM VILLAGE, ERNAKULAM DIST.

BY ADV. SRI.G.BALAMURALEEDHARAN (PARAVUR)
SRI.MATHEWS V.JACOB (PARAVUR)
SRI.N.T.NANDAKUMAR (PARAVUR)

RESPONDENTS:

LAL, S/O. ANANTHAKRISHNAN,
KANNANGANATTU VEEDU, CHERAI KARA,
PALLIPPURAM VILLAGE, ERNAKULAM DISTRICT.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 773 OF 2007

Dated this the 20th August, 2007.

O R D E R

This revision petition is preferred against the order of the Munsiff, North Parur. The revision petitioner is a selection grade typist in the taluk office. The execution was initially filed for recovery of the amount by attachment of the salary. Under Section 60 of the CPC towards realisation of same decree debt the maximum attachment that can be effected is only for 24 months. Therefore the decree holder's right to get the amount realised by way of attachment is blocked by the salient provision of Section 60. It is true that while the court considers the question of means to pay, it has to enter into a finding regarding the means of the person and the negligence or willful evadement of the payment. A perusal of the order does not reveal any of these facts. There is some suggestion of the revision petitioner in the counter filed to the effect that he is prepared to have attachment of the salary at the rate of Rs.2,000/-. But it must be in accordance with law. It indicates his intention not to escape from payment. These are all matters which requires sympathetic consideration especially when the revision petitioner is a physically handicapped person. Therefore

the order under challenge is set aside and the matter is remitted back to the trial court and it is directed to dispose of the matter after affording opportunity to both parties to adduce evidence and produce documents in support of their contentions. Since I am disposing of the matter at the admission stage itself, the court below shall issue notice to the decree holder on the next hearing date viz., 16.9.07 and then direct the parties to proceed with matter in accordance with law. C.R.P is disposed of accordingly.

M.N.KRISHNAN
Judge

jj